

DEC 17 2004

Beiersdorf 702-HCL
100718-281

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : GERS-BARLAG et al.
SERIAL NO. : 09/744,642
FILED : January 26, 2001
FOR : EMULSIFIER-FREE FINELY DISPERSE SYSTEMS OF THE
OIL-IN-WATER AND WATER-IN-OIL TYPE
ART UNIT : 1617
EXAMINER : Gina C. Yu

December 17, 2004

Assistant Commissioner for Patents
P.O.Box 1450, Alexandria,
VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Beiersdorf AG, represents that it is the assignee of the above-identified application by virtue of an assignment which was recorded in the U.S. Patent Office on January 26, 2001, at Reel 011513, Frame 0326. Your petitioner hereby disclaims the terminal portion of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,592,883 B1 issued July 15, 2003, for *Emulsifier-Free Finely Disperse System of the Water-In-Oil Type*, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,592,883 B1 this agreement to run with any

BEST AVAILABLE COPY

BEST AVAILABLE COPY

patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any Terminal Disclaimer of U.S. Patent No. 6,592,883 B1 in the event that it later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid, (4) is statutorily disclaimed in whole, (5) is terminally disclaimed under 37 C.F.R. 1.321(a), (6) has all claims cancelled by a reexamination certificate, or (7) is otherwise terminated prior to the expiration of its statutory term as presently shortened by any Terminal Disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney/agent of record and authorized to sign and submit this terminal disclaimer.

ADDITIONAL FEES

The Commissioner is hereby authorized to charge any fees which may be required, including the Terminal Disclaimer fee of \$110.00, or credit any overpayment to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS, McLAUGHLIN & MARCUS, P.A.

By: Howard C. Lee
Howard C. Lee
Reg. No. 48,104

875 Third Ave.
18th Floor
New York, New York 10022
(212) 808-0700

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/744,642
Filing Date	January 26, 2001
First Named Inventor	Gera-Barlag et al.
Art Unit	1617
Examiner Name	Gina C. Yu
Attorney Docket Number	100718-281/ Belersdorf 702.1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such
 - ☐ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other see Amendment under 37 CFR 1.116 of 13 August 2004
 - ☒ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☐ Other _____
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 - ☒ Other
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-1263
 - ☒ RCE fee required under 37 CFR 1.17(e)
 - ☐ Extension of time fee (37 CFR 1.136 and 1.17)
 - ☐ Other _____
 - ☐ Check in the amount of \$ _____ enclosed
 - ☐ Payment by credit card (Form PTO 2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104
Signature	<i>Howard C. Lee</i>	Date	December 17, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Agata Glinska	Date	December 17, 2004
Signature	<i>Agata Glinska</i>		

This collection of information is required by 37 CFR 1.114. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

PAGE 8/14 * RCVD AT 12/17/2004 10:17:15 AM (Eastern Standard Time) * SVR:USPTO-EFXRF-1/1 * DNS:8729306 * CSID: * DURATION (mm:ss):03:50

05/26/2005 HPEOPLES 00000001 141263 09744642

01 FC:1801 790.00 DA

BEST AVAILABLE COPY